

## 21 C.J.S. Courts § 26

Corpus Juris Secundum | May 2023 Update

### Courts

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### II. Jurisdiction of Courts

#### C. Jurisdiction of Subject Matter or Cause of Action

##### 2. Amount in Controversy Within Subject Matter Jurisdiction

###### a. General Considerations

§ 26. Reduction or waiver of amount in controversy affecting subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  121(6), 121(11), 169(8)

**A determination of the court's subject matter jurisdiction, as limited by the amount in controversy, need not take into consideration recovery through other actual or potential means; jurisdictional claim limits may be satisfied by a waiver of part of a claim.**

The claimed amount in controversy for subject matter jurisdictional purposes need not be affected by amounts otherwise recovered, as under an award of insurance proceeds<sup>1</sup> or potential recovery of insurance proceeds,<sup>2</sup> or independent claims on other grounds.<sup>3</sup> The amount of a claim, when the claim is made in good faith and not for the illusory purpose of conferring jurisdiction on a particular court, need not reflect an amount under an unexercised right to seize and apply other funds that might eventually reduce the amount of the claim.<sup>4</sup>

One who desires to sue in a court whose jurisdiction does not extend to the full amount of a claim may confer jurisdiction on the court by waiving or remitting a portion of the claim so that what remains is within the jurisdiction of the court<sup>5</sup> at least when the statutory jurisdiction limitation is stated in terms of a limitation on the amount sought to be recovered<sup>6</sup> or the amount claimed.<sup>7</sup> If the amount limitation is based solely on the cause of action, a waiver limiting a damages claim is not effective to confer jurisdiction.<sup>8</sup>

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## Footnotes

- 1 Fla.—*Narula v. Orange Motors of Miami, Inc.*, 337 So. 2d 1001 (Fla. 3d DCA 1976).  
La.—*Swayze v. State Farm Mut. Auto. Ins. Co.*, 172 So. 3d 1026 (La. 2015).  
R.I.—*Cole v. Charron*, 477 A.2d 959 (R.I. 1984).
- 2 N.C.—*Carter v. Stanly County*, 123 N.C. App. 235, 472 S.E.2d 378 (1996), *aff'd*, 345 N.C. 491, 480 S.E.2d 51 (1997).
- 3 Mass.—*Zizza v. Zizza*, 456 Mass. 401, 923 N.E.2d 1018 (2010).
- 4 Fla.—*Crown Bank v. U.S. Mortgage Network Corp.*, 705 So. 2d 100 (Fla. 5th DCA 1998).
- 5 Ind.—*Meyers v. Langley*, 638 N.E.2d 875 (Ind. Ct. App. 1994).  
Me.—*Sparrow & Jacobsky Partnership v. DeGrandpre*, 648 A.2d 678 (Me. 1994).  
N.Y.—*Conway v. Dejesu Maio and Associates*, 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).
- 6 N.Y.—*Conway v. Dejesu Maio and Associates*, 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).
- 7 Me.—*Sparrow & Jacobsky Partnership v. DeGrandpre*, 648 A.2d 678 (Me. 1994).
- 8 N.Y.—*Conway v. Dejesu Maio and Associates*, 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).

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